

Message Text

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PAGE 01 DAMASC 00767 031434Z
ACTION L-03

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FM AMEMBASSY DAMASCUS
TO SECSTATE WASHDC 1598

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E.O. 11652: N/A
TAGS: CGEN, PFOR, PINT, PORG
SUBJECT: ACCESS TO DETAINED AMERICAN CITIZENS

REF: (A) 76 STATE 310481, (B) 76 DAMASCUS 7703

1. SUMMARY. IN VIEW OF DISCUSSIONS WITH MFA, EXPERIENCE OF OTHER COUNTRIES IN CONCLUDING BILATERAL CONSULAR AGREEMENTS WITH SYRIA AND FACT SYRIA MAY SOON ACCEED TO VIENNA CONVENTION, EMBASSY SEES LITTLE PROSPECT AT PRESENT FOR FRUITFUL NEGOTIATIONS LEADING TOWARDS BILATERAL CONSULAR AGREEMENT.

2. CONSOFF RECENTLY DISCUSSED QUESTIONS OF NOTIFICATION AND ACCESS TO DETAINED AMCITS WITH MOUSSALAM SABBAGH, MFA OFFICIAL IN CHARGE OF CONSULAR MATTERS. THE LATTER REPORTED THAT THERE HAVE BEEN RECENT DISCUSSIONS IN SARG AT MINISTERIAL LEVEL CONCERNING QUESTION AND THAT MFA AND INTERIOR DEPARTMENT HAD AGREED THAT "PROMPT" NOTIFICATION OF ARREST AND ACCESS TO DETAINED AMERICANS WOULD BE GRANTED DESPITE ABSENCE OF BILATERAL AGREEMENT AND FACT SYRIANS NOT YET SIGNATORY TO VIENNA CONVENTION. SABBAGH IMPLIED THAT THESE DISCUSSIONS WERE DIRECT RESULT OF ADMINISTRATOR WALENTYNOWICZ VISIT (SEE REF B) AND INCLUDED DIRECTIVE TO THAT EFFECT TO INTERNAL SECURITY FORCES. IN PAST,
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EMBASSY HAS ENCOUNTERED GREATER DIFFICULTY IN OBTAINING NOTIFICATION AND ACCESS TO AMCITS BEING DETAINED BY INTERNAL SECURITY FORCES THAN THOSE WHO FALL INTO HANDS OF CIVIL POLICE, I.E., THOSE CHARGED ON SECURITY GROUNDS. WE HAVE NOT YET BEEN IN A POSITION TO TEST THIS ALLEGED SYRIAN WILLINGNESS TO PROVIDE PROMPT NOTIFICATION AND ACCESS.

3. SABBAGH POINTED OUT THAT SYRIA HAD CONCLUDED ONLY TWO BILATERAL CONSULAR AGREEMENTS, WITH EAST GERMANY AND SOVIET UNION, AND THAT THESE BILATERALS FOLLOWED VIENNA CONVENTION CLOSELY WITH REGARD TO WHEN NOTIFICATION SHOULD BE MADE AND RIGHT OF DETAINEE TO REQUEST NON-NOTIFICATION TO HIS EMBASSY. NEGOTIATIONS LEADING TO BILATERAL WITH SOVIET UNION ARE REPORTED TO HAVE TAKEN MORE THAN ONE YEAR. FINAL AGREEMENT WAS INITIALED MORE THAN ONE YEAR AGO BUT HAS NOT ENTERED INTO FORCE, PENDING APPROVAL BY SYRIAN PARLIAMENT. AGREEMENT WITH EAST GERMANS REPORTEDLY HAS TAKEN THREE YEARS, WITH MOST CONTENTIOUS POINT BEING IMPORTANT QUESTION OF SETTING DEADLINE BY WHICH NOTIFICATION OF ARREST IS TO BE MADE TO GDR EMBASSY. FINAL APPROVAL BY PARLIAMENT IS ALSO PENDING. APPARENTLY SYRIANS WERE RELUCTANT TO COMMIT CREAKY BUREAUCRACY TO FIRM DEADLINE ON NOTIFICATION AND OBTAINED VAGUE VIENNA CONVENTION WORDING ON SUBJECT. RUSSIANS APPARENTLY NEVER PUSHED FOR FIRM DEADLINE, BUT ACCORDING TO SABBAGH, NEGOTIATIONS SEEMED TO HAVE BEEN STUCK ON QUESTION OF BLANKET DIPLOMATIC IMMUNITY FOR PERMANENT "FOR ANY OR ACTING HEAD" OF CONSULAR SECTION OF EMBASSY IN DAMASCUS.

4. SABBAGH NOTED THAT GOVERNMENT WOULD SOON ASK PARLIAMENT TO RATIFY SYRIAN ACCESSION TO VIENNA CONVENTION. WE HAVE NO INDICATION WHEN THIS MIGHT BE DONE. HOWEVER, FACT THAT TWO AGREEMENTS HAVE BEEN PENDING PARLIAMENTARY APPROVAL FOR ONE YEAR DOES NOT INDICATE COMPLETE SYRIAN ACCESSION TO CONVENTION IN NEAR FUTURE.

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5. SABBAGH ANNOUNCED TO CONSOFF THAT HIS RECENT REQUEST TO RETIRE HAD BEEN QUICKLY APPROVED AND THAT HE WOULD BE LEAVING MFA BY MID-FEBRUARY. SABBAGH IMPLIED THAT PROMPT APPROVAL WAS GRANTED SINCE HE IS NON-BAATH PARTY MEMBER AND THAT HIS REPLACEMENT WOULD BELONG TO PARTY. WHILE SABBAGH HAS BEEN FRIENDLY AND USUALLY AGREED TO ASSIST EMBASSY, WE HAVE FELT THAT HE DID NOT CARRY VERY MUCH WEIGHT IN BUREAUCRACY. NO REPLACEMENT HAS BEEN NAMED YET. AS SOON AS HE IS, CONSOFF WILL SEEK EARLY APPOINTMENT AND AGAIN EXPLORE POSSIBILITIES FOR BILATERAL AND CHECK ON SYRIAN ACCESSION AT VIENNA CONVENTION.

MURPHY

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